

PATENT
IBM Docket No. JP920010250US1

REMARKS

The claims have been amended by rewriting claims 3, 6, 9, 11-13 and 15, cancelling claims 1, 2 and 14. Claims 3-13, and 15 remain in the application.

Applicants respectfully request that the rejection of the claims presented be reconsidered and withdrawn in light of the amendments above and the discussion which follows and that the application be found in condition for immediate allowance.

Drawings

The drawings have been amended according to the Examiner's requirements. See the "Amendments to the Drawings" section for details.

Claim Objections

Claims 3-8, and 15 have been objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3-8

In response, Applicants have rewritten claim 3 in independent form. Applicants have incorporated the limitations of claims 1 and 2 into claim 3 in order to expedite the application toward allowance. Accordingly, claims the dependency of claim 6 has been addressed to reflect this amendment. Therefore these claims are believed to be in

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condition for immediate allowance.

For the record, although indicated as "currently amended," claim 3 is of original scope and thus has not been amended for any reason related to the statutory requirements for obtaining a patent. Therefore this claim, and any claim depending therefrom which is not otherwise amended for such reasons, is not subject to the prosecution history estoppel imposed by Festo. See Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 122 S. Ct. 1931, 1840, 62 U.S.P.Q.2d 1705, 1712 (2002).

Claim 15

An objection has been made to the use of *–antennae*– in the phrase “the first and second antennae–. The plural form *–antennas*– has been proffered as the correct form. In response, Applicants assert that the only singular form of the word is *–antenna*– which Applicants have not used. Applicants have used the plural form that ends in *–nae*– with an *–e*–. Applicants assert that both the *–nae*- and *-nas*- forms are correct. In support of Applicants assertion and for convenience, Applicants here reproduce the Webster entry for *–Antenna*–.

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Main Entry: **an·ten·na**

Pronunciation: **an-tē-nā**

Function: **noun**

Inflected Form(s): *plural an·ten·nae /-(*)nē/; or -nas*

Etymology: Medieval Latin, from Latin, sail yard

Date: 1646

1 plural -nae : one of a pair of slender movable segmented sensory organs on the head of insects, myriapods, and crustaceans -- see INSECT illustration

2 : a usually metallic device (as a rod or wire) for radiating or receiving radio waves

3 antennae plural : a special sensitivity or receptiveness <his political *antennae* proved to be shrewder than ever -- Erich Segal>

Applicants respectfully request reconsideration.

Claim 15 has been amended to include the limitations of claim 14. Therefore Applicants believe claim 15 is in condition for immediate allowance.

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Claim Rejections

Claims 1, 2, and 9-14 stand rejected in light of various 102 and 103 rejections. These rejections are rendered moot in light of the amendments made as follows.

Claims 1, 2, and 14

These claim have been cancelled.

Claims 9-13

These claims now depend on allowable claim 3. Accordingly, the dependency of claims 9 and 11-13, which depended on cancelled claim 1, now depend from claim 3. Claim 10 continues to depend on claim 9.

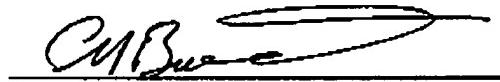
For the record, although indicated as "currently amended" as required by Patent Office rule and procedure, these claims have an entirely new heredity by virtue of their dependency on a claim found to be allowable in its original form. These claims are seen by Applicants as effectively newly added claims the limitations of which have gone unamended in prosecution and as such are not subject to the prosecution history estoppel imposed by Festo. Id.

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Conclusion

In view of the foregoing it is believed that this case has been placed in condition for a Notice of Allowability and early notice to that effect is earnestly solicited. Should the Examiner wish to have a telephonic discussion of the positions here taken, the courtesy of a telephone call prior to any forthcoming rejection would be greatly appreciated.

Respectfully Submitted,



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REPLACEMENT SHEET

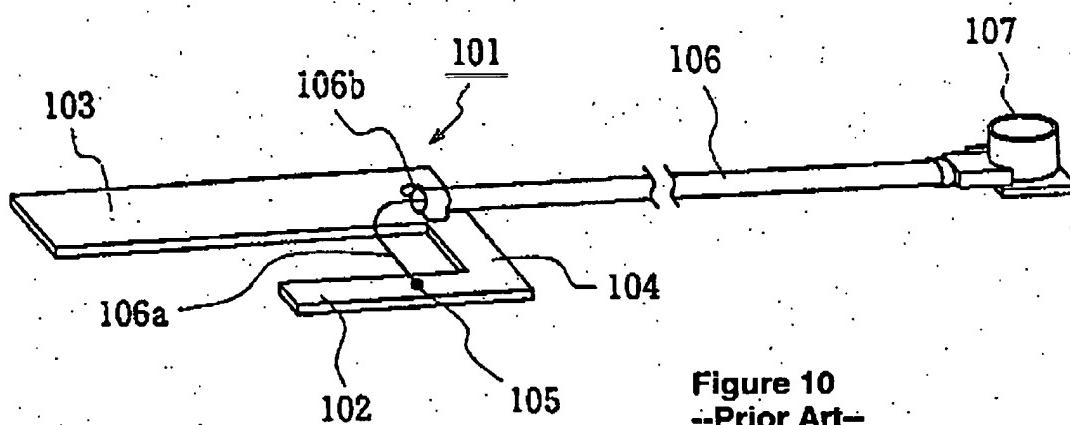


Figure 10
--Prior Art--